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## Bill eliminating minimum drug sentences vetoed

The measure is one of 36 passed by the General Assembly that are rejected by Governor Carcieri.

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JOURNAL STATE HOUSE BUREAU

PROVIDENCE — Rhode Island's mandatory minimum sentences for drug charges will remain on the books, at least for now. Governor Carcieri has vetoed a bill that would have eliminated the minimum sentences.

The General Assembly passed the bill in the last week of the legislative session, hoping to ease overcrowding at the Adult Correctional Institutions and to give judges discretion to sentence offenders to drug treatment, rather than prison time.

"We're shocked. We're disappointed. We're confused," Mimi Budnick, who lobbied for the bill on behalf of Direct Action for

Rights and Equality, said yesterday.

Lawmakers enacted the mandatory minimums in 1988, during a nationwide push to get tough on drug crimes. The majority of states have already repealed mandatory minimums, and advocates hoped this would be the year for repeal here.

But Carcieri says the Rhode Island law gives judges so much discretion that the minimums "exist more in theory than reality."

Currently, a conviction for possessing more than one ounce

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# Vetoos

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of heroin or cocaine, or more than one kilogram of marijuana, carries a mandatory minimum prison sentence of 10 years. For possessing larger quantities — more than one kilogram of heroin or cocaine, or more than five kilograms of marijuana — the mandatory minimum is 20 years.

But the law allows judges to make exceptions based on several factors, including "the character and background of the defendant" or the defendant's cooperation with law enforcement.

"Current law avails to the third branch of government any and all means to render the punishment they deem most appropriate in light of the circumstances of a particular case," Carcieri wrote in his veto message.

But, Budnick asked, "If the governor has no objection to the judge being able to have more flexibility, why not facilitate a process where it's more the norm than the exception?"

The state police opposed the bill because in addition to eliminating mandatory minimum sentences, it would have substantially shortened the maximum sentences for serious drug offenses. Carcieri wrote that he shared those concerns.

Rep. Joseph S. Almeida, the Providence Democrat who sponsored the House version of the bill, said the governor should not be taking his cues from the state police. "The state police are prosecu-

ting agents," Almeida said. "Their job is to lock people up."

"If somebody does something wrong, they need to go to jail," Almeida, a former Providence police officer, said. But, he added, "the governor should have listened to what the people want, not what a prosecuting agent wants."

General Assembly leaders have not yet said whether they will return to override vetoes before the next legislative session begins, in January.

The veto message on the mandatory-minimum bill was one of 36 such messages the governor's office transmitted yesterday. The governor vetoed nearly as many bills in two days — Tuesday and Wednesday — as he did in all of 2006.

The wealth of vetoes had some wondering whether this set a record. Carcieri's office said he vetoed 54 bills this year. He vetoed 37 last year and 30 the year before; State House staffers late yesterday were unable to produce numbers for previous years.

Michael Maynard, a spokesman for Carcieri, said the office had finished going through the bundle of bills transmitted last week, and there would be no more vetoes unless the governor receives bills the Assembly has not yet transmitted.

Among the other vetoes transmitted yesterday were bills that would have:

■ Repealed the so-called "civil death" statute, which restricts marriage rights, property rights and other rights of convicted criminals who receive a

life sentence. Carcieri noted that the statute was passed in 1909 to protect convicted criminals' families, for instance, by giving family members control of property. "Persons who are sentenced to the remainder of their natural lives in prison are there because they have been found by a jury of their peers to have committed the most serious possible crimes against society, in many cases offenses that have stripped another human being of his or her life," Carcieri wrote. "The loss of property, and even the right to marry, is not unreasonable."

■ Allowed certain state and municipal employees, including judges, to designate a domestic partner, as well as a spouse, as a beneficiary for pension, death and other retirement benefits. "I believe the public is now demanding that their state leaders be ever more vigilant in protecting their tax dollars from unwarranted and unnecessary expansions of state employee benefits," Carcieri wrote.

■ Set forth criteria for Blue Cross & Blue Shield of Rhode Island to resume compensating its board members. "Existing law gives the health-insurance commissioner the authority to approve — or reject — payment for board members," Carcieri wrote. "That discretion should not be watered down."

■ Made it optional, rather than mandatory, for many categories of political candidates and officeholders to file their campaign-finance reports elec-

tronically. "I believe that the system of electronic reporting should cover all candidates for public office, regardless of the amount of money they have raised," Carcieri wrote. "The public should have the right to inspect, in easily accessible electronic form, campaign contributions of candidates in even the smallest races."

■ Created a prescription-drug discount program for the uninsured, dubbed "Rhode Island's Best Rx." Carcieri said the bill would violate the principle of separation of powers by assigning executive power to an advisory council whose membership includes members of the General Assembly.

■ Extended the state law known as the Law Enforcement Officers' Bill of Rights to apply to airport police. The law sets forth rights for police officers who are accused of wrongdoing; those rights include confidentiality and payment of benefits while an accusation is pending, and the right to dispute the accusation in a hearing before a panel of law enforcement officers.

■ Allowed youths to "preregister" to vote upon turning 16, with their registration automatically becoming active when they turn 18. The governor reiterated his reasons for vetoing a similar measure last year, saying the state should concentrate on cleaning up its voter list before it adds a new category of people not yet eligible to vote.

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